

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA**

v.

**CRIMINAL NO. 05-10160-PBS**

**Andriano Amaro**  
**Defendant**

**MEMORANDUM OF SENTENCING HEARING**  
**AND**  
**REPORT OF STATEMENT OF REASONS**

**Saris, D.J.**

Counsel and the defendant were present for sentencing hearing on 10/20/05. The Court has considered the factors set forth in 18 U.S.C. §3553(a), including the sentencing guidelines. The reasons for sentence were stated in open court.

1. (a) Were all factual statements contained in the Presentence Report (PSR) adopted without objection?

yes  no

(b) If no to (a) the PSR was adopted in part with the exception of the following factual issues in dispute:

2. Are any legal issues in dispute?

yes  no

If yes, describe disputed issues and their resolution:

2. (a) Tentative findings as to advisory guidelines are:

Total Offense Level: 9

Criminal History Category: I

4 to 10 months imprisonment

24 to 36 months supervised release

\$ 1,000 to \$ 10,000 fine

(plus \$ \_\_\_\_\_ cost of  
imprisonment/supervision)

\$ \_\_\_\_\_ restitution

\$ 100.00 special assessment (\$ \_\_\_\_\_ on  
each of counts \_\_\_\_\_)

(b) Are there any legal objections to tentative findings?

\_\_\_\_ yes X no

3. (a) Remarks by counsel for defendant.<sup>1</sup>

X yes \_\_\_\_ no

(b) Defendant speaks on own behalf.

X yes \_\_\_\_ no

(c) Remarks by counsel for government.

X yes \_\_\_\_ no

4. (a) The sentence will be imposed as follows:

\_\_\_\_\_ months imprisonment [TIME SERVED]

\_\_\_\_\_ months/intermittent community confinement

\_\_\_\_\_ months probation

24 months supervised release

\$ -0- fine (including cost of imprisonment/supervision)

\$ \_\_\_\_\_ restitution

\$ 100.00 special assessment (\$ \_\_\_\_\_ on each of  
counts \_\_\_\_\_)

Other provisions of sentence: (community service, forfeiture, etc.):

IF DEPORTED, DEFENDANT SHALL NOT RE-ENTER THE U.S. WITHOUT THE LAWFUL  
AUTHORITY TO DO SO.

(b) After imposing sentence, the Court has advised the defendant of  
the defendant's right to appeal within 10 days of the entry of  
judgment in accordance with FRCrP 32(a)(2).

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<sup>1</sup> The order of argument and/or recommendation and allocution may be altered to accord with the Court's practice.

5. Statement of reasons for imposing sentence.  
Check appropriate space.

(a)  Sentence is within the advisory guideline range

(b)  Sentence departs from the advisory guideline range as a result of:

substantial cooperation upon motion of the government

OR

a finding that the following (aggravating or mitigating) circumstance exists that is of a kind or degree not adequately taken into consideration by the Sentencing Commission in formulating the guidelines and that this circumstance should result in a sentence different from that described by the guidelines for the following reasons:

6. (a) Is the sentence under the advisory sentencing guidelines reasonable in light of the factors set forth in 18 U.S.C. §3553 (a)

yes  no

(b) If no, why is the guideline sentence unreasonable?

(c) Is restitution applicable in this case?

yes  no

Is full restitution imposed?

yes  no

If no, less than full restitution is imposed for the following reasons:

(d) Is a fine applicable in this case?

yes  no

Is the fine within the guidelines imposed?

yes  no

If no, the fine is not within guidelines or no fine is imposed for the following reasons:

- \_\_\_ Defendant is not able, and even with the use of a reasonable installment schedule is not likely to become able, to pay all or part of the required fine; OR
- \_\_\_ Imposition of a fine would unduly burden the defendant's dependents; OR
- \_\_\_ Other reasons as follows:

7. Was a plea agreement submitted in this case?

\_\_\_ yes  no

8. The PSR is adopted as part of the record, either in whole or in part as discussed above and is to be maintained by the U.S. Probation Department under seal unless required for appeal.
9. Judgment will be prepared by the clerk in accordance with above.
10. The clerk will provide this Memorandum of Sentencing Hearing And Report on Statement of Reasons to the U.S. Probation Department for forwarding to the Sentencing Commission, and if the above sentence includes a term of imprisonment, to the Bureau of Prisons.

10/25/05

/s/ Patti B. Saris

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Date

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United States District Judge